

re-litigating it yet she's going on and asking the witness
2 questions fall right in that category.

3 MS. LANCASTER: Your Honor, if I might respond,
4 this witness just testified not two minutes ago that, you
5 know, they were concerned when they got this new counsel
6 they were doing all these other things, and he's testified
7 about it. Consequently, I'm trying to find out, well, how
8 long they had to report it.

9 JUDGE STEINBERG: I do not understand the
10 explanation of the question, but this goes to the sentence
11 about the voluntarily reporting it?

12 MS. LANCASTER: Yes, sir. Well it goes to

13 JUDGE STEINBERG: **Well**, what does --

14 MS. LANCASTER: -- it just goes to his -- I'm
15 asking for clarification on what he just testified to.

16 JUDGE STEINBERG: Well, I forgot what the last
17 testimony was. Why don't you refresh my memory because I
18 didn't -- Hopkins & Sutter were retained in mid to late
19 1989.

20 MS. LANCASTER: Right.

21 JUDGE STEINBERG: That's the last thing that I
22 remember.

23 MS. LANCASTER: Just prior to that, Your Honor, he
24 testified that --

25 JUDGE STFINBERG: That after they took control --

1 MS. LANCASTER: That Hopkins & Sutter came and
2 that they were handling all these other things, the risk
3 sharing agreement, etcetera, and they didn't get around to
4 the alien issue until later. So I want to know when they
5 were hired, why it took so long for them to file it. That's
6 my only -- I'm just following up on what he testified to.

7 JUDGE STEINBERG: It seems -- well, --

8 MS. LANCASTER: When they were hired --

9 JUDGE STEINBERG: Do not go terribly far with
10 this, please.

11 MS. LANCASTER: I'm not. I just had this one
12 question.

13 JUDGE STEINBERG: Do you understand the question?

14 THE WITNESS: If she could repeat it again,
15 please.

16 JUDGE STEINBERG: Basically, Hopkins & Sutter was
17 hired in mid to the end of 1989, and then how long was it
18 after they were hired before they voluntarily --

19 MS. LANCASTER: Right.

20 JUDGE STEINBERG: -- voluntary disclosure was
21 made?

22 MS. LANCASTER: Right. That's my question.

23 JUDGE STEINBERG: well, can't you just pull that
24 out of the Algreg case, the date of the amendment?

25 MS. LANCASTER I know the date of the amendment,

1 I don't know when Hopkins & Sutter were hired.

2 JUDGE STEINBERG: Well, he just said in 1989.

3 MS. LANCASTER: He said mid to end 1989. That
4 could be six months, that could be four months, that could
5 be, you know.

6 JUDGE STEINBERG: Well, but that is not what you
7 asked him. Why don't you go back and start again as to when
8 Hopkins & Sutter was retained to see if mid to end of 1989,
9 I guess, could be July through December.

10 BY MS. LANCASTER:

11 Q My question is how long after Hopkins & Sutter was
12 retained did Alee report -- how long was it before Alee
13 reported the alien partner to the FCC.

14 A I don't know.

15 Q If you know. If you don't know, you don't know.

16 A I don't know.

17 Q As a member of the executive committee, you're
18 paid for the work that you do on behalf of Alee, is that
19 correct?

20 A Yes

21 Q How much are you paid?

22 A \$175 an hour.

23 Q When did *you* start getting paid for that work?

24 A This must have been sometime in 1999 because prior
25 to then we didn't have any income, any revenue.

1 Q Prior to 1995 the partnership had no revenue, no
2 income?

3 A Well, no net revenue. All the revenue that we
4 were receiving for the first eight years of our operation
5 went to pay off the construction costs of the different
6 sites.

7 We were making just the opposite, capital calls.
8 We had to put in additional investments up until, I believe
9 it was, 1999 when we had managed to pay off all of the
10 construction costs and then we started to receive the
11 proceeds of the revenue.

12 There was revenue coming, but it was being paid to
13 Metro Mobile and to Bell Atlantic for the construction cost
14 of the sites up until that time.

15 Q When did you receive your first distribution
16 check?

17 A I believe it was in 1999.

18 Q First quarter, third quarter, when?

19 A I don't recall.

20 Q Okay.

21 A I know we had had -- there was a meeting at the
22 Hilton Hotel in Short Hills. It was sort of like a
23 celebration, and we had -- it was catered, but I can't
24 remember when it was.

25 Q When you first started getting paid for work that

1 you were doing for Alee, it is my understanding that you got
2 an initial payment that was supposed to cover the past work
3 that you had done. Is that correct?

4 A Yes. Yes, that's correct.

5 Q How far back was it supposed to have covered?

6 A I think it was -- I know that there had been a
7 vote that if and when we got money that the people working
8 on the executive committee would be reimbursed. I don't
9 remember when that vote -- whether it went back to the
10 initial work of the executive committee or sometime later,
11 but it was going early in time.

12 Q Now, I may have misunderstood you. Did you say
13 you started getting paid in 1999 or in 1989?

14 A Are we talking about distributions from Alee, 1999
15 is what I had said.

16 Q Okay.

17 MS. LANCASTER: One second, Your Honor.

18 JUDGE STEINBERG: The distributions were separate
19 from the \$175 per hour?

20 THE WITNESS: Yes. The distribution was -- in
21 other words, all of the partners got a distribution of the
22 revenue that had been collected, and this was the first time
23 that a distribution had been made that we had revenue to
24 distribute, and I believe that that's when it was.

25 MS. LANCASTER: I would like to have identified,

1 and I don't have sufficient copies at this point, Your
2 Honor. I'm not going to ask that it be entered yet until we
3 have copies, but for identification purposes, I have a copy
4 of a memo from Becky Jo Clark that is dated December 20,
5 1990, and indicates it's minutes for conference calls from
6 11/14/90 to 12/18/90.

7 I specifically want to bring to the witness'
8 attention page 3 of this four-page document. I'll be happy
9 to show it to opposing counsel.

10 JUDGE STEINBERG: So it is four pages?

11 MS. LANCASTER: Yes, Sir.

12 JUDGE STEINBERG: A memo from Ms. Clark dated
13 12/20/90.

14 MS. LANCASTER: Correct.

15 JUDGE STEINBERG: It will be marked for
16 identification as Enforcement Bureau Exhibit 28.

17 (The document referred to was
18 marked for identification as
19 EB Exhibit No. 28.)

20 MS. LANCASTER: We will make copies and distribute
21 it should we decide to enter it, Your Honor, but I'm going
22 to ask him about page 3 of that document.

23 MR. HILL: Even if you don't decide to enter it,
24 if you marked it, please give us a copy.

25 BY MS. LANCASTER:

1 Q I would ask that you take a look at that, Mr.
2 Bernstein.

3 JUDGE STEINBERG: If you want to look at more than
4 page 3, you are welcome to.

5 MS. LANCASTER: Certainly.

6 THE WITNESS: Yes.

7 BY MS. LANCASTER:

8 Q Are you familiar with that document?

9 A I recognize it now.

10 Q What is it?

11 A This was that vote that I had just spoken about
12 that the partnership had voted to pay us these monies, as I
13 said, starting early, it's January 1 of 1991.

14 Q That's why I asked you, I thought you said you
15 didn't actually get paid until 1999.

16 A Well, I didn't get paid. In other words, the only
17 person who got paid before 1999 was Becky Jo Clark as I
18 understand it. But we got a check in 1999, a separate
19 check, back to go from 1991 forward for the work that we had
20 done, we being Terry Jones and myself. But we hadn't
21 received it back in 1991 or 1992.

22 MS. LANCASTER: I've got another document. Again,
23 I don't have copies yet, Your Honor. It's a two page
24 document appearing to be a memorandum from Becky Jo Clark
25 dated February 7, 1991.

1 JUDGE STEINBERG: I'll tell you whose birthday
2 that is, but I'll do it off the record.

3 MS. LANCASTER: And I tentatively marked it as EB
4 Exhibit 29.

5 JUDGE STEINBERG: Okay, the document described
6 will be marked as EB Exhibit 29.

7 (The document referred to was
8 marked for identification as
9 EB Exhibit No. 29.)

10 MS. LANCASTER: I'm showing it to opposing
11 counsel, and I'm showing *it* to the witness.

12 BY MS. LANCASTER:

13 Q If you will have a look at that, Mr. Bernstein.

14 A (Reviewing document.)

15 Q Have you seen that document before?

16 A I believe that I have.

17 Q What is it?

18 A It seems to be very similar to -- it's a
19 memorandum of, it looks like, what was discussed previously,
20 and it talks about the treasurer having deferred
21 compensation and each of the two members at large having
22 deferring compensation and as cash flow becomes available
23 how it was supposed to be paid.

24 Q Does it also indicate what the initial payments
25 were for the task work?

1 A It says, number one, "the executive committee be
2 reimbursed \$38,400 for the past two years."

3 Q Was that the total to be divided among the three
4 of you or was that \$38,000 each?

5 A I think it was between the three of us, but I
6 never got \$38,400 in 1991, '92, '93, so --

7 Q How much did you get?

8 A I got nothing until approximately 1999.

9 Q How much was your first payment that you got?

10 A I think that the check was close to that amount
11 when I got it in 1999. In other words, we went through the
12 nine years that we had been working and the \$400 a month for
13 those nine years, and it came up to be a sizable sum.

14 JUDGE STEINBERG: When you said close to that
15 amount, what amount were you referring to?

16 THE WITNESS: It says here \$38,400.

17 JUDGE STEINBERG: So you think that the check that
18 you got in 1999 for the work you did from 1991 through 1999
19 was about \$38,000.

20 THE WITNESS: It might have been somewhere around
21 there, Your Honor.

22 BY MS. LANCASTER:

23 Q Generally at this point, how many hours a week *or*
24 a month, however you want to calculate it, do you work for
25 Alee?

1 A I'm trying to think. I would say it's less than
2 100 hours a month. There's less work on it now than it was
3 back then.

4 Q What's the most that you've done in a month would
5 you estimate?

6 A I really -- I really couldn't estimate. I mean,
7 I'm trying to think in terms of amount.

8 Q Let me rephrase the question. Let me change the
9 question a little bit then.

10 JUDGE STEINBERG: Can I just stop you, please.

11 MS. LANCASTER: Uh-huh.

12 JUDGE STEINBERG: You say you now work for Alee, I
13 mean, you spend time on Alee business, less than 100 hours a
14 month?

15 THE WITNESS: Yes.

16 JUDGE STEINBERG: Now, one hour is less than 100
17 I mean, less than 100 is a pretty big range.

18 THE WITNESS: Oh.

19 MS. LANCASTER: I was going to ask that, Your
20 Honor.

21 JUDGE STEINBERG: Well, you didn't do it fast
22 enough. You know, I mean, if it's 99 hours a month, that's
23 25 hours a week, that's three billable days which most
24 attorneys do in one day, but -- that was a joke. I got no
25 laughter -- but that seems to me to be a lot of time to

spend 25 hours a week on Alee business. So I wondered if
2 you could be more precise.

3 THE WITNESS: I'm just trying to think of my
4 billing, and Alee is not billed every month because in some
5 months there's just a few hours and in other months there's
6 more. But I've gotten checks for like two and-a-half months
7 or three months there's \$3,000.

8 I can't think of specifically the number of hours
9 that I worked, but it's been much less now than it was when
10 we were initially in the litigation. Alee is not a sizable
11 client.

12 BY MS. LANCASTER:

13 Q Since you've been paid on an hourly basis, which I
14 believe you stated started in 1999, you started getting paid
15 on an hourly basis, is that correct?

16 A Yes. Yes.

17 Q Do you also get any type of retainer amount?

18 A No.

19 Q What is the largest check that you have received
20 from Alee in any one month, the largest payment for a
21 month's work?

22 A I'm having trouble with that because, as I said,
23 they haven't been billed monthly.

24 Q How are they billed?

25 A Every couple of months I would total what my time

1 was and I would send them a bill.

2 Q So every two months that you generally are billing
3 them?

4 A It could be three months. It could be longer
5 because there are times when -- when I was doing the leases,
6 there was a lot of time put in to it. Other times, there is
7 not.

8 Q When you were doing the leases, you were not
9 getting paid on an hourly basis, were you?

10 A Yes, I was.

11 Q When did you do the leases?

12 A It was the Voice Stream and the Alamosa were in
13 2000, somewhere around there.

14 Q So it would have been a couple of times that you
15 have done leases since 1999?

16 A There have been at least three leases that I
17 worked on. Two were with Voice Stream and one was with an
18 Alamosa Properties, and I think -- yeah, those -- that's
19 what I can remember. That's what I can focus on.

20 Q So is it your testimony that you're unable to give
21 us any idea of what your monthly income has been from work
22 that you've done for Alee?

23 A Yes.

24 Q Yes?

25 A Yes.

1 Q All right. What was your total initial investment
2 into the partnership?

3 A \$8,500.00.

4 Q And what was your total investment in the
5 partnership? I take that back. What was your total
6 investment into capital calls?

7 A I knew what you were referring to, the capital
8 calls, and I don't know the total. There are 14 capital
9 calls, and they -- my average ranged from \$3,300 to \$5,500
10 on the capital calls. Even the very first one was like
11 \$200.00, and then after that, they jumped up substantially.
12 We were in the litigation. We had to raise money.

13 Q Do you have any idea what your total amount was?

14 A No, I don't.

15 Q What has been your total return on your
16 investment?

17 A It's been a sizable return. In 1999, I think I
18 got somewhere around \$100,000, and that was before taxes.
19 About 80 percent of that went to taxes. Again --

20 JUDGE STEINBERG: What percent?

21 THE WITNESS: Close to 80 percent. I learned
22 something new called phantom income that I never knew
23 before. Terry warned us when he made the initial
24 distributions that better not spend it, you're going to be
25 paying nevertheless a sizable distribution. And after that,

1 it was about \$200,000 in 2000, and \$200,000 in 2001, again,
2 with similar tax consequences. And I've also received
3 income about \$150,000 this year.

4 BY MS. LANCASTER:

5 Q Do you expect to receive additional income this
6 year, though, don't you?

7 A Depending upon when the distribution -- usually
8 there's a distribution in the fourth quarter. Generally
9 we're sent them before we have to make the tax payments, so
10 I might get it this year or I might get it just before
11 January 15 because that's when we would have to send in the
12 estimated tax payments.

13 Q Okay. What's your understanding of an
14 unauthorized transfer of control?

15 A An unauthorized transfer of control?

16 Q Have you ever heard that phrase?

17 A I have heard the phrase, yes.

18 Q What is it?

19 A I would be guessing but that transfer of control
20 of a license or the running of a license with the FCC.

21 Q Why would you be guessing? I don't want you to
22 guess.

23 A Well, because I haven't read it and this is
24 through discussions and so on that this is what I'm assuming
25 is the meaning. Firstly, I'm assuming you're talking about

1 the FCC.

2 Q Correct.

3 A Okay.

4 Q Did you go over what it takes to have an
5 unauthorized transfer of control in preparation for your
6 testimony?

7 MR. HILL: I objection, Your Honor, to the extent
8 that it goes into the advice that counsel may have given.

9 JUDGE STEINBERG: How about attorney-client
10 privilege?

11 MR. HILL: Attorney-client privilege. That will
12 do it.

13 JUDGE STEINBERG: It's sustained.

14 BY MS. LANCASTER:

15 Q Outside of attorney-client privilege, did you go
16 over it?

17 MR. HILL: Objection, Your Honor.

18 JUDGE STEINBERG: Well, why don't you say have you
19 had discussions about unauthorized transfer of control with
20 other members of the executive committee or the partners?

21 BY MS. LANCASTER:

22 Q Okay. I'll adopt that question.

23 A I had discussions about keys. You had asked me at
24 a deposition several questions, and I haven't had
25 discussions about unauthorized -- or at least I haven't

1 thought of it in those terms, but I have asked Becky Jo and
2 Terry Jones when they'd gone out there subsequent to my
3 deposition have they ever had any problem gaining access to
4 the premises, were the premises locked, which I was unaware
5 of at the time of the deposition.

6 Q What was their response?

7 A That they've never had any problem gaining access
8 to the premises.

9 Q Did they tell you how they gained access to the
10 premises?

11 A Terry told me that Altell has the keys, and I
12 asked him what if they refuse to give you the keys, and he
13 said we'll fire their butts. It's our property.

14 Q How about the term "unfettered control." Have you
15 ever heard that phrase?

16 A I've seen in the management agreement unfettered
17 use and control, I think is the phrase in the management
18 agreement with Metro Mobile.

19 Q Who drafted that management agreement?

20 A Metro Mobile.

21 Q Did you have any discussion with Mr. Jones wherein
22 that phrase was used?

23 A No. I don't understand what you mean.

24 Q Have you ever used that phrase when talking with
25 Mr. Jones?

1 A I know that -- yes. When, after the depositions,
2 that we had discussed access and unfettered -- yes, that
3 term has been bandied about.

4 Q The term was brought up because -- why was that
5 term used?

6 A Well, after the deposition -- you had asked me a
7 series of questions most of which I didn't have much
8 knowledge, and I was curious as to where that was going,
9 what that related to. Then I learned that that related to
10 control of the license, of the operations, and I spoke with
11 Terry. I spoke with Becky Jo about that.

12 Q It's my understanding that if Alee wants access to
13 its cell sites, that it contacts Altell and that Altell
14 sends someone with a key and accompanies them and unlocks
15 the gates, or whatever, the buildings, or whatever it is and
16 makes sure that they have access to the cell site, is that
17 correct?

18 A I've never been out there and experienced this,
19 but I know that Terry and Becky Jo said that they go and
20 they get the keys from Altell, and they go to the site. And
21 they told me that they visited it with people from Altell.

22 Q Right. Altell accompanies them to the site, is
23 that your understanding of the way it happened when they
24 went out there?

25 A I know of one instance where they told me they

1 were being driven around. They wanted to see different
2 sites and someone from Altell drove them to these different
3 sites.

4 Q Alee has no employees, is that correct?

5 A Yes, that's correct.

6 Q Alee relies completely upon the employees of
7 Altell at this point to operate the New Mexico 3 license, is
8 that correct?

9 A It's Altell's employees that are working, yes.

10 Q Altell bills the customers?

11 A Yes.

12 Q Well, Alee has no customers of its own, does it?

13 A No, it doesn't.

14 Q Alee services roamers, is that correct?

15 A Yes.

16 Q But Altell sends out any billing notices to
17 whomever they're supposed to go to, is that correct?

18 A Yes.

19 Q Altell collects any funds that are received for
20 the use of Alee licenses, is that correct?

21 A Yes.

22 Q Licensed services.

23 A Yes.

24 Q Altell pays all of the operating expenses for Alee
25 licenses, is that correct?

1 A Well, we ultimately pay it, but they pay it
2 initially from the revenue that's received.

3 Q They collect the money that comes in and they pay
4 all the bills with that money.

5 A Yes.

6 Q Before Alee has any contact with those funds,
7 would that be a correct assessment?

8 A Yes, that's correct.

9 Q If there's any maintenance that's needed on the
10 equipment used on Alee's license, Altell takes care of that,
11 is that correct'?

12 A Yes. That's all in the management, for that
13 agreement. Those are their duties.

14 Q It's my understanding that Alee receives periodic
15 reports from Altell regarding the finances, the monies that
16 they've collected and the distributions. Would that be a
17 correct statement?

18 A Yes. We get minutes of use, the finances, yes.

19 Q Who receives those reports?

20 A Terry Jones does.

21 Q Do you receive copies of them?

22 A He usually sends out -- I don't know if it's
23 copies of everything, but in every partnership meeting he
24 still submits a financial statement to us.

25 Q Who is the contact person for Altell that Alee

1 would contact if they had a question about the New Mexico 3
2 operations?

3 A Well, you had asked me a similar question. I have
4 since learned that -- Scott Caldwell (phonetic). I haven't
5 had direct dealings with Scott Caldwell, but I asked Terry
6 as a result of our deposition.

7 Q Okay. You didn't know at the time of the
8 deposition, is that right?

9 A I recognized the name, but I didn't know. No, I
10 didn't.

11 Q Have you had occasion to contact Altell?

12 A Yes. There's been a few occasions, yes.

13 Q When were they?

14 A I think it was about -- one I can remember was
15 about a year and-a-half ago when Mr. Freda -- we were --
16 there was some interpretation of the management agreement
17 which I was discussing with them and Terry. I had spoken
18 with Terry. I had spoken with Becky Jo, and Terry asked me
19 to speak with them.

20 Q When you say it was an interpretation of the
21 management agreement. It had to do with who was going to
22 pay what? Is that basically what the topic was?

23 A This management agreement has been in existence
24 since 1990. When Altell took over, they started adding
25 different expenses, allocations of administrative cost which

1 neither Metro Mobile or Bell Atlantic had, so that's what it
2 was about.

3 MS. LANCASTER: I just want to make sure, Your
4 Honor, that EB Exhibit 16 has been received. Has it?
5 Otherwise I will try to get it in now.

6 JUDGE STEINBERG: Sixteen has been received

7 MS. LANCASTER: Okay. Thank you.

8 BY MS. LANCASTER:

9 Q How did you know to contact Mr. Freda?

10 A Terry Jones gave me his name and address, and so
11 on.

12 Q Have you had any other contact with Altell?

13 A I believe that I have, but it was not, you know,
14 maybe two or three times other than that. Most of the
15 contact with Altell has been between Terry Jones and Altell.

16 Q Well, how did you know who to contact is my point?
17 When you have had contact, how did you know who to call?

18 A There might be a discussion with Becky Jo and with
19 Terry. There are names that come up, but I don't think it
20 was -- it wasn't Altell. Russ Craig. There were other
21 names. They would -- it would be a specific matter that was
22 in question. Maybe we might be on a conference call, the
23 three of us, or something *like* that.

24 Q So you didn't initiate --

25 A No.

1 Q -- the contact with Altell?

2 A No.

3 Q Who is in charge of any changes that you might
4 want to make to your system? Does Altell contact you? When
5 I say you, I mean Alee obviously. Does Altell contact Alee
6 and say we need to make a change about something or does
7 Alee initiate any change to the system?

8 A Well, a lot of times Altell has contacted us.
9 There have been discussions about the word is "digitizing"
10 the system, and they might want to do -- well, I know
11 specifically that they wanted to set up the digital system
12 in the south, and we had discussed it and we said no. We
13 wanted it in Valencia county.

14 Valencia county was where most of our revenue came
15 from, but there were a lot of calls that were being dropped
16 in that area because of the analog system. So when we
17 decided to go digital -- and I don't know whether they
18 suggested it or whether we did. I know that we wanted to go
19 digital. That was the new way, and we had started that.

20 Q How did you know calls were being dropped?

21 A Terry explained this to me going over the -- there
22 was a report which Terry had gotten that as it was explained
23 to me that calls had been dropped or that people were
24 getting busy signals, and the system couldn't handle the
25 volume of calls that were being made.

1 Q Did he tell you where he learned that information?

2 A From Altell, from the discussions or reports
3 submitted by Altell.

4 Q Have you seen any of the reports that have come
5 from Altell other than the financial reports that Terry had
6 sent to you?

7 A I have seen the reports, and I don't recall
8 whether it was at a face-to-face meeting, a partnership
9 meeting, or whether Terry had sent them to me, but frankly
10 it was like Greek to me.

11 Q Well, had there been any reports other than
12 financial reports that you've seen that have come from
13 Altell?

14 A (No response.)

15 Q In other words, **it's** my understanding that Altell
16 periodically sends financial reports to Mr. Jones wherein
17 they talk about they have the figures for how much income
18 they've had and they perhaps list the expenses that they've
19 paid out, that sort of thing, you understand. You've seen
20 those kind of reports, right?

21 A Yes, but I don't -- there have been other reports,
22 and as I understand, like, the minutes of use is not dollar
23 figures but just showing you how your system is doing, where
24 are most of the calls going, what areas, what sites are
25 getting what types of calls. And I think it's also

1 separated into digital and analog so that you see what is
2 the digital area doing and what is the analog area doing.

3 Q Okay. So those are kind of production, you know,
4 where it's regulating or documenting the types of calls and
5 that sort of thing, is what you're saying.

6 A Yes.

7 Q Any other kind of reports that you've gotten from
8 them?

9 A Not that I can think of. Not that I can recall.

10 MS. LANCASTER: Your Honor, I'm perfectly willing
11 to break if you would like to break, or I'll continue if you
12 want to continue.

13 JUDGE STEINBERG: Off the record, please.

14 (Whereupon, a short recess was taken.)

15 JUDGE STEINBERG: Back on the record.

16 BY MS. LANCASTER:

17 Q Mr. Bernstein, have you ever met Shafi Sharifan?

18 A I believe I have, yes.

19 Q When did you meet him?

20 A I think I met him at one of the early Alee
21 meetings, the partnership meetings.

22 Q Do you remember which one?

23 A No, but it had to be very early, the first or
24 second, something like that.

25 Q So you were introduced to him, so you knew his

1 name?

2 A I don't know that I was introduced to him, but as
3 I recall, he was dark skinned, very dark hair and
4 Mediterranean or dark features, so I must have had some
5 conversation or words with him. I don't know.

6 Q It was my understanding that at the first
7 partnership meeting was when the partners were first told
8 that there had been an alien problem. Is that correct?

9 A Yes.

10 Q The partnership was told that it had been taken
11 care of, is that correct?

12 A Yes.

13 Q They were told that by Allan Kane, is that who
14 told them?

15 A Allan Kane and William Franklin.

16 Q Do you recall if Mr. Sharifan was at that meeting?

17 A I don't recall specifically, no.

18 Q Why did Mr. Sharifan continue to receive
19 partnership information after he was no longer a partner?

20 A I can only assume. I don't know why.

21 JUDGE STEINBERG: I don't want you to assume,
22 please.

23 BY MS. LANCASTER:

24 Q Were you ever told why?

25 A I was told by Terry Jones that he was on the list